



**COUNTY OF BERGEN
Police Department**

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Dennis McNerney
County Executive

John Schmidig
Chief of Police

November 23, 2009

Ms. Marlene H. Dortch
Secretary to the
Federal Communications Commission
Washington, D.C. 20554

Re: Comment of the Bergen County Police Department
Petition for Stay of Interim Narrowband Implementation
Dates, WT Docket No. 99-87
Public Notice DA 09-2364 (November 2, 2009)

Dear Ms. Dortch:

This letter presents the position of the Bergen County Police Department regarding the Petition by the National Public Safety Telecommunications Council (NPSTC) to stay the interim narrowband implementation dates. We oppose the petition's recommendation that the Commission postpone the current transitional rules addressing 12.5 kHz spectrum efficiency from 2011 until 2013.

Commencing January 1, 2013, current rules require licensees in the 150-174 MHz and 421-512 MHz bands to either migrate to 12.5 kHz narrowband technology or use technology that achieves equivalent efficiency. Other current rules facilitate this transition to 12.5 kHz narrowband technology. Beginning January 1, 2011 the Commission will no longer accept applications for new wideband 25 kHz operations or modifications to current licenses that will expand a contour of an existing 25 kHz station. Additionally, commencing in 2011, equipment will no longer be certified by the Commission if it is only capable of operating with only one voice path per 25 kHz of spectrum.

NPSTC proposes that these transitional rules scheduled to take effect in 2011 be stayed. It reasons that these rules will hamper public safety interoperability during the final two years of transition to 12.5 kHz narrowband technology.

The current 12.5 kHz mandate and transition rules were established by the Commission to provide licensees opportunity to plan the shift from wideband technologies. There is no debate that 12.5 kHz technology is available and serving the public safety sector. The premise of these rules is moving infrastructure and subscriber equipment to more efficient technologies so that the radio spectrum provides greater capacity to respond to ever increasing demand. The interim

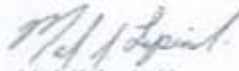
transitional dates are an important element of the bridge to more efficient spectrum use. Commission's rules, once established and relied upon, should not be subject to revision as deadlines approach. The market, particularly the government sector, is best served by the clarity afforded by defined deadlines. Since the 12.5 kHz rules established in 2004, licensees have planned and deployed equipment with the expectation that greater spectrum capacity will emerge.

Bergen County commenced the design and financing of its regional radio project knowing the Commission's mandate to transition to 12.5 kHz technology. The system is being deployed with the expectation that once the 12.5 kHz transition is complete, additional capacity will accrue to all licensees. The northern New Jersey area is in desperate need for additional spectrum capacity. NPSTC's recommendation will make the transition more difficult and fuels the likelihood that the 2013 date with regard to 12.5 kHz technology will be delayed.¹ The Commission rejected a similar NPSTC request in 2007;² licensees should be able to rely on Commission rules and decisions.

In urging the stay of the interim implementation dates, NPSTC presents concern regarding interoperability and budgetary challenges state and local government are facing. As the Commission has noted, particular circumstances can be addressed by its waiver process. Such procedures can accommodate the circumstances confronted by a licensee while securing a path to more greater spectrum efficiency and use.

For these reasons, the Bergen County Police Department urges the Commission to adhere to the current rules addressing transitioning to 12.5 kHz technology and reject proposals that would postpone the interim and final deadlines.

Respectfully submitted,



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¹ Bergen County agrees that the path to 6.25 kHz is clouded by uncertainty of current technology ability to meet public safety operational requirements and is unproven in the public safety sector. Our objection to the NPSTC petition centers on its postponement of the 12.5 kHz standard in order to obtain or modify a licensee contour and the prohibition of 25 kHz equipment certification.

² Promotion of Spectrum Efficient Technologies on Certain Part 90 Frequencies, Third Report and Order, FCC 07-39, RM-9332, WT Docket No. 99-87 (March 26, 2007) at paragraphs 19-20.